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Paper No. 12

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**JUN 16 2008**

**OFFICE OF PETITIONS**

In re Application of	:	
Murali Parthasarathy et al.	:	
Application No. 09/466,275	:	DECISION ON PETITION
Filed: December 17, 1999	:	PURSUANT TO
Attorney Docket No.: 5150-18302	:	37 C.F.R. § 1.181
Title: SYSTEM AND METHOD FOR	:	
CREATING A GRAPHICAL PROGRAM	:	
WHICH INVOKES METHODS AND	:	
PROPERTIES OF OBJECTS	:	

This is a decision on the petition filed August 15, 2005, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The Office regrets the period of delay in issuing this decision.

The above-identified application became abandoned for failure to reply in a timely manner to the notice of non-compliant amendment, mailed January 23, 2004, which set a period for reply of one month. A non-executed response was received on an unspecified date. Accordingly, the above-identified application became abandoned on February 24, 2004. A notice of abandonment was mailed on July 12, 2005.

The notice of abandonment set forth that a reply was received on "an unspecified date," and "the certificate of mailing has not

been signed or dated and the response was not signed." The paper file has been reviewed, and a non-dated response has been located, which contains neither an executed or dated certificate of mailing, and it is noted that this response was not executed. It is further noted that this paper does not contain a date stamp from the Office of Initial Patent Examination (OIPE).

With this petition, Petitioner has asserted that a properly executed response was submitted to the Office on February 18, 2004. Petitioner has submitted a copy of this response, and it is noted that it has been executed, and it contains a certificate of mailing dated February 18, 2004. Moreover, Petitioner has included a copy of the postcard receipt that is associated with this submission, and it evinces that a "Response to Office Action of January 23, 2004" was received in the Office on February 23, 2004.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is GRANTED. The holding of abandonment is WITHDRAWN.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the response to the notice of non-compliant amendment of January 23, 2004 that was received on August 15, 2005 (originally submitted on February 18, 2004) can be processed.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival or withdrawal of the holding of abandonment has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - the Office of Petitions cannot effectuate a change of status.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225<sup>1</sup>. All other inquiries

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<sup>1</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is

concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanowski/  
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reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).